IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

J U D G M E N T

S.B. Civil Misc. Appeal No.432/1997
Jagdish & Anr. Vs. Rajpal & Ors.

Date of Judgment : 8th September, 2006

Hon'ble Mr. Justice G.S. Sarraf

Mr. Vinay Mathur for appellants.
Mr. R.D. Saini for Mr. B.C. Rawat for respondent no.3.

The claimants-appellants have filed this appeal under Section 173 of the Motor Vehicles Act against the judgment / award dated 15.10.1996 of the Motor Accident Claims Tribunal, Jaipur City, Jaipur.

After hearing the parties the leaned Tribunal passed an award of Rs.80,000/- in favour of the claimants-appellants for the death of their son Kajod in an accident on 28.4.91 near the village Sukhpuria on Jaipur-Tonk road. Aggrieved by this judgment / award the claimants-appellants have filed this appeal.

The short controversy involved in this case is that whether the compensation awarded by

the learned Tribunal is fair and adequate.

I have heard the learned counsels Mr. Vinay Mathur on behalf of the appellants and Mr. R.D. Saini for respondent no.3.

In my view as the deceased Kajod was aged about 17 years and was studying in class 7 it is obvious that, had he survived, he would have earned a substantial amount per month for the benefit of the family and as such the compensation of Rs.80,000/- appears to be inadequate. Even taking a reasonable view of the amount which the deceased would have earned had he survived and considering the future economic prospects of the deceased I deem it fit and appropriate to increase the award amount to a lump sum amount of Rs.1,50,000/-. Thus the claimants-appellants are entitled to compensation to the tune of Rs.1,50,000/-.

The appeal of the claimants-appellants is, therefore, allowed at the admission stage to the extent stated above and the amount of compensation is increased from Rs.80,000/- to Rs.1,50,000/-. The claimants-appellants will be

entitled to interest at the rate of 6% per annum from the date of the award of the learned Tribunal to the date of deposit/realisation on the enhanced amount. If the aforesaid amount is not paid or deposited within a period of three months then the respondents will have to pay interest at the rate of 12% per annum. The learned Tribunal will apportion the amount among the claimants and will pass necessary orders regarding payment/fixed deposit thereof. No order as to costs.

(G.S. Sarraf),J.

RS/